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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES RAY WALKER,

Petitioner,

vs.

WILLIAM GITTERE, et al.,

Respondents.

Case No. 2:15-cv-01240-RFB-GWF

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME (FIRST  
REQUEST)**

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, hereby respectfully move this Court for an order granting a ninety (90) day enlargement of time, to and including May 2, 2022, in which to file and serve their response.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

There has been no prior enlargement of Respondents' time to file said response, and this motion is made in good faith and not for the purposes of delay.

RESPECTFULLY SUBMITTED this 31st day of January, 2022.

AARON D. FORD  
Attorney General

By: /s/ Charles L. Finlayson  
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**DECLARATION OF COUNSEL**

I, Charles L. Finlayson, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Senior Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. My answer in this matter is presently due February 1, 2022. By this motion, I am requesting a 90-day day extension of time to file my response, up to and including May 2, 2022.

3. I require additional time to respond. I recently filed responses in *McClain v. Williams*, 2:17-cv-00753-RFB-NJK; and *Orduna v. Garrett*, 20-cv-00641-MMD-CLB. I have also been working diligently to complete responses in earlier filed capital cases, including *Leonard v. Gittere*, 2:99-cv-00360-MMD-DJ; and *Sonner v. Gittere*, 2:00-cv-01101-KJD-DJA. The petitioner in *Leonard* filed a nearly 400-page reply in support of his petition, along with additional requests for an evidentiary hearing and discovery, and the petitioner in *Sonner* filed a lengthy memorandum regarding procedural default. My responses in those matters are presently due in February. Although I anticipate having to request

1 extensions in those matters as well, I intend to prioritize them given the age of those cases. I also have  
2 an answer following an order on a motion to dismiss in *Mulder v. Gittere*, 3:09-cv-00610-JAD-CSD, due  
3 in April.

4 4. On top of my work on other cases, I spent a significant portion of my schedule in the  
5 previous weeks, including weekends and holidays, preparing for oral argument in the Ninth Circuit on a  
6 capital case. On January 25, the Ninth Circuit rescheduled that argument for March 17, 2022.

7 5. My role as a Senior Deputy Attorney General also requires that I take time from my own  
8 cases to assign cases, review and edit filings, conduct trainings, and coordinate responses with other  
9 departments. These responsibilities, which I cannot delegate, take up a significant portion of my time.

10 6. For the foregoing reasons, I respectfully request that this Court grant this request to extend  
11 the time for responding in this matter to May 2, 2022.

12 7. I contacted counsel for the petitioner and they indicated that they had no objection to my  
13 request.


14 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the  
15 foregoing is true and correct.

16 By: /s/ Charles L. Finlayson  
17 CHARLES L. FINLAYSON (Bar No. 13685)  
18 Senior Deputy Attorney General

19 **ORDER**

20 IT IS SO ORDERED.

21 Dated this 31st day of January, 2022.

22  
23  
24   
25 **RICHARD E. BOULWARE, II**  
26 **United States District Court**  
27  
28

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General and that on this 31st day of January, 2022, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

David Anthony  
Martin Novillo  
T. Kenneth Lee  
Assistant Federal Public Defenders  
411 East Bonneville Ave., Suite 250  
Las Vegas, NV 89101

/s/ Amanda White